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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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Federal Communications Commission
Office of Secretary

In the Matter of)

The Development of Operational)
Technical and Spectrum Requirements)
for Meeting Federal, State and Local)
Public Safety Agency Communication)
Requirements Through the Year 2010)

WT Docket No. 96-86

To: The Commission

**REPLY COMMENTS OF INTERNATIONAL
TAXICAB AND LIVERY ASSOCIATION**

International Taxicab and Livery Association
("ITLA"), by its counsel, hereby submits these reply
comments in the above-captioned proceeding.

INTRODUCTION

ITLA, the national trade association for private
sector providers of public ground transportation, is
certified by the Commission as the frequency coordinator for
the Taxicab Radio Service. ITLA is the industry's
representative on matters pertaining to land mobile radio
communications.

ITLA submits this pleading in reply to comments
which support the Public Safety Wireless Advisory Committee

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("PSWAC") recommendations as contained in its Final Report.¹ In particular, ITLA objects to the PSWAC proposal calling for the reallocation of frequencies in the 148-174 and 450-470 MHz bands currently allocated for the taxicab and livery industry and other Part 90 eligibles.² For the reasons listed below, ITLA opposes this recommendation and urges the Commission to look elsewhere for additional spectrum for public safety services.

1. The PSWAC recommendation is contrary to sound spectrum policy.

In order to create new channels, private radio users must convert to narrowband technology. Thus, PSWAC and supporting commenters (such as the County of Los Angeles) are, in effect, asking the private sector to make a substantial capital investment in new technology so that the public sector can reap the benefits. Not only would

¹ See e.g., Comments of the County of Los Angeles, WT Docket 96-86, filed October 21, 1996; Comments of the United States Department of Transportation, WT Docket No. 96086, filed October 21, 1996.

² Final Report of the Public Safety Wireless Advisory Committee to the Federal Communications Commission and the National telecommunications and Information Administration, September 11, 1996 at 60 (hereinafter PSWAC Report); see also id. at 61.

such a policy be inherently inequitable, but it would contradict a key principle of the Telecommunications Act of 1996 (the Telecom Act), namely the discouragement of hidden subsidies. See, e.g., 47 U.S.C. § 254(e) (1996) (universal service support "should be explicit ...").³

In addition the proposal may undermine the goals of re-farming. As stated above, in order for re-farming to be successful, private radio licensees must have incentives to convert to narrowband technology. This conversion will not happen if one group of users is allowed to capture the benefits of an investment (i.e., additional channels) made by a different group. Economically speaking, a licensee is better off simply maintaining its old 25 kHz equipment and not bothering to convert to narrowband technology. In short, if the Commission adopts PSWAC's recommendation to

³ See also Rep. No. 104-458, 104th Cong., 2d Sess., 131 (1996); cf. In the Matter of Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98, Interconnection between Local Exchange Carriers and Commercial Mobile Radio Service Providers, CC Docket 95-185, FCC 96-325, 1996 WL 452885 at 1655 (released August 8, 1996) (stating "we have also established for the long-term the principle that prices for network elements, transport and termination, and collocation must be based on costs -- not hidden subsidies that distort market forces").

reallocate the additional channels created by re-farming, it may defeat its own goal of more efficient use of the spectrum.

2. The taxicab and livery industry needs more channels, not less.

The taxi and livery industry is an important part of the American economy and provides crucial transportation services to the public. The industry is made up of over 15,000 companies that operate over 300,000 vehicles. These companies provide work for over 450,000 people and transport over 2 billion passengers per year. Taxis and other private transportation providers serve thousands of diverse geographic and socioeconomic communities all over the country, 24 hours per day, 365 days per year. Indeed, approximately 60% of taxi passengers are elderly, disabled, low income and other passengers without access to a car or public transportation. The other 40% of passengers are business travelers whose activities are vital to U.S. commerce. This industry often fills in where public transportation falls short. Thus, it is evident that the taxi and livery industry plays an important role in many facets of American life.

Private radio communications is critical to the ongoing success of the taxi and livery industry. First of all, two-way radio communication is critical to driver safety. The National Institute for Occupational Safety and Health of the U.S. Department of Health and Human Services has determined that taxicab drivers have the highest rate of occupational homicide in the country -- higher even than police officers! Adequate communications capability is indispensable to reducing this risk.

Two-way communications is also essential for the efficient day-to-day operation of taxi and livery services. A typical passenger trip usually includes five two-way transmissions, resulting in about 10 billion transmissions annually. ITLA estimates that another 5 billion two-way transmissions occur for reasons such as driver safety alerts, credit card verification, address confirmation, and directions. All of this information is transmitted via private radio. Furthermore, many private service providers are licensed by municipal, county or airport authorities as an essential public utility. The terms of the licenses (or franchises) usually mandate the use of radio-equipped vehicles. Of course, two-way radio communications also

allows providers to serve rural and other out-of-the-way places.

In addition to traditional functions, radio communication is increasingly used for a wide range of other purposes. These include automatic vehicle location; vehicle and driver performance monitoring; security and emergency request systems; collision warning and avoidance programs; and electronic payment services. In addition, radio transmissions are used to convey route, navigational and electronic maps, and to operate travel information centers. These additional uses are increasing dramatically and are predicted to double the industry's current level of communication activity in the near future.

Because the demand for land mobile radio spectrum has accelerated in recent years, and because demand has outstripped supply in major metropolitan areas, the Commission initiated the re-farming proceeding. The Commission recognized that additional frequencies -- especially in congested, urban areas -- would be necessary for private land mobile radio to accommodate this growth.

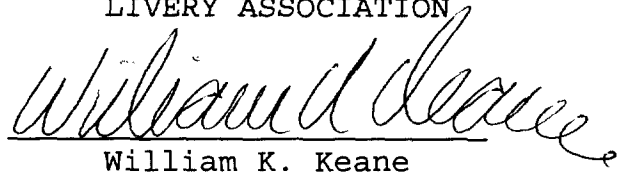
ITLA understands that more spectrum is required in the public safety services.⁴ However, with the expectation that the industry's communication requirements will double in the near future, the additional channels created by re-farming are essential to the taxicab and livery industry. They should not be re-allocated to other uses.

CONCLUSION

For the foregoing reasons, ITLA opposes the reallocation of frequencies newly-created in the private land mobile bands for public safety agencies, and specifically opening comments in support thereof.

Respectfully submitted,

INTERNATIONAL TAXICAB AND
LIVERY ASSOCIATION


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⁴ PSWAC Report at 3.